

89-1733

Supreme Court, U.S.

FILED

APR 13 1990

JOSEPH F. SPANIOL, JR.
CLERK

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

GENE A. FOREMAN,

petitioner

-V-

AETNA CASUALTY AND SURETY INSURANCE
COMPANY,

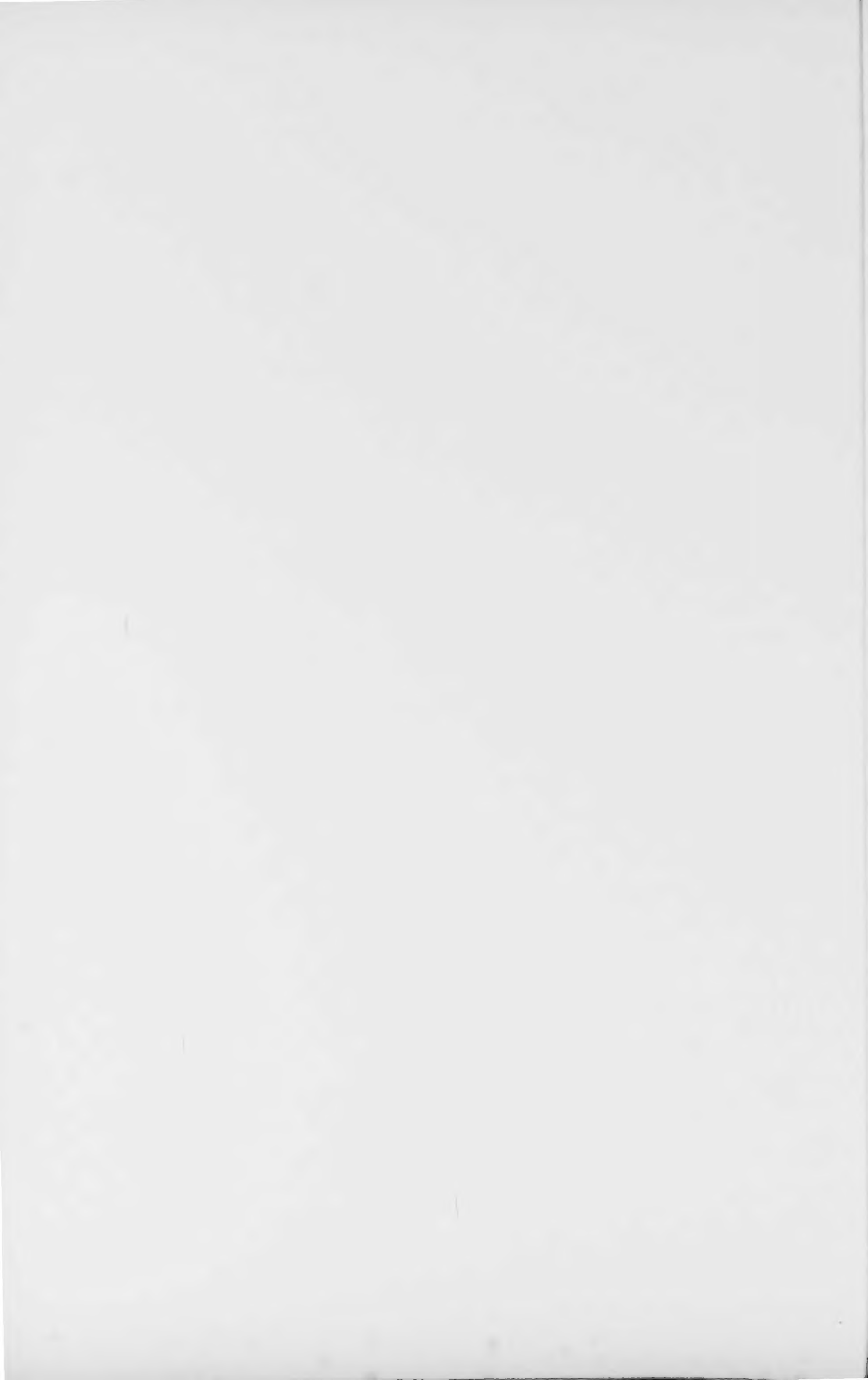
respondent,

PETITION FOR WRIT OF CERTIORARI TO THE COURT
OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

GENE A. FOREMAN
PETITIONER, PRO SE
1419 DORSETSHIRE DR.
PASADENA, TEXAS 77504
(713) 487-4418

HONORABLE EDWARD J. HENNESSEY
HENNESSEY AND ASSOCIATES
THE COTTON BUILDING
502 CAROLINE
HOUSTON, TEXAS 77002
(713) 224-5066 RESPONDENT

APRIL 11, 1990
MAY 4, 1990



QUESTIONS PRESENTED

ONE. BIAS AND PREJUDICE JUROR, JUROR NO. 5 ALSO FOREMAN OF JURY.

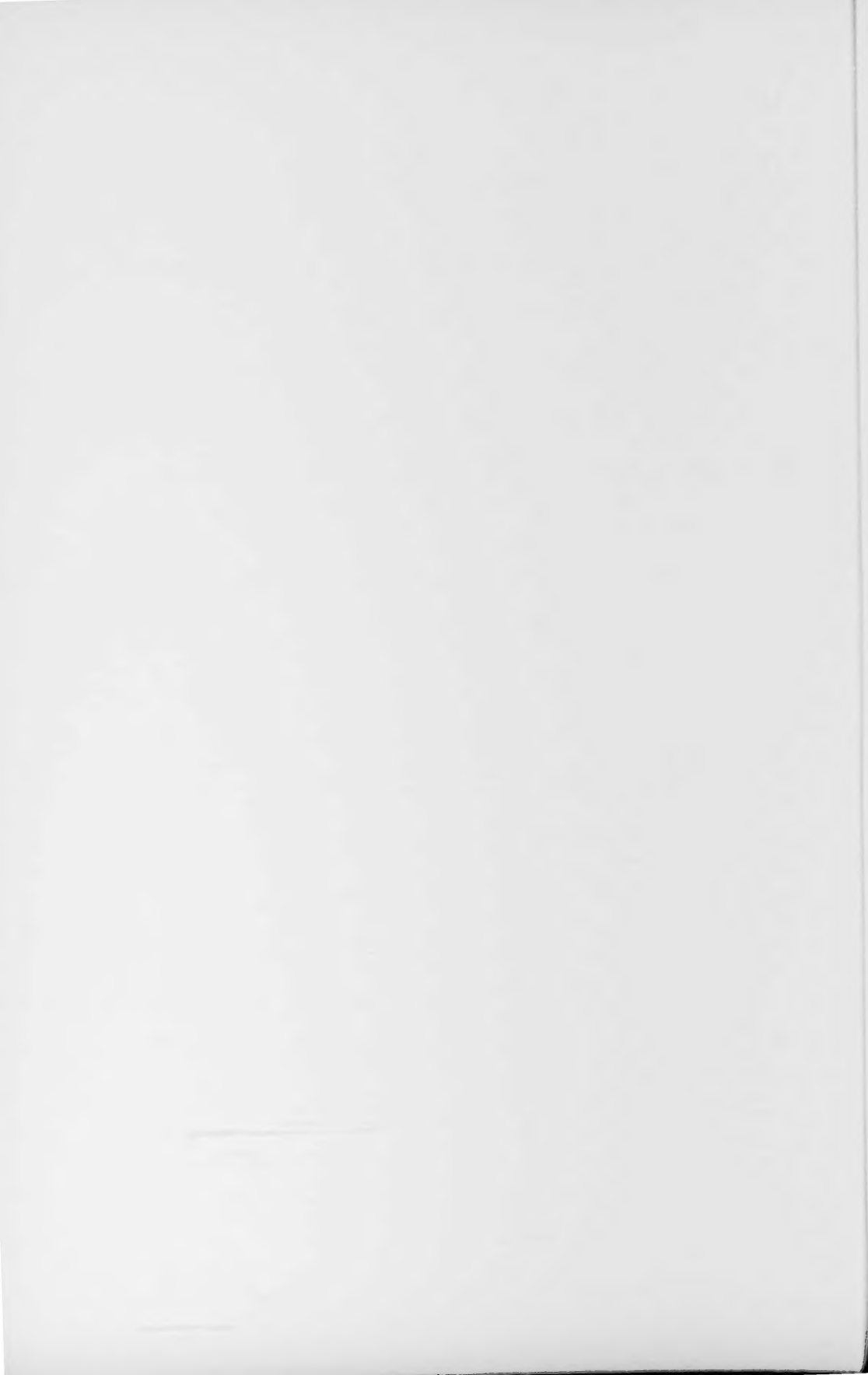
TWO. PETITIONER, TOLD ATTORNEY MR. LEE GIDDENS OF JUROR NO. 5 KNOWING PETITIONER [GENE FOREMAN] AND PETITIONER KNOWING JUROR NO. 5.

THREE. WHY ATTORNEY MR. GIDDENS DID NOT TELL JUDGE OR ATTORNEY MR. HENNESSEY FOR RESPONDENT.

FOUR. VITAL PART OF DOCTOR SACKS DEPOSITION GIVEN UNDER OATH WAS NOT ADMITTED AND READ TO JURY.

FIVE. ATTORNEY FOR AETNA CASUALTY AND SURETY INSURANCE COMPANY USED VITAL PART OF DOCTOR SACKS DEPOSITION NOT ADMITTED IN CLOSING STATEMENTS SEVERAL TIMES.

SIX. ATTORNEY MR. GIDDENS WOULD NOT LET DOCTOR NASSAR TESTIFY IN PERSON.



SEVEN. REQUESTED CLOSING STATEMENTS TO JURY AND CHARGES TO JURY BY CERTIFIED MAILED CERTIFIED NO. P 058 825 114 DATE DELIVERED JULY 31, 1989.

EIGHT. MOTION FOR NEW TRIAL IN THE 133RD DISTRICT COURT, FILED FEBRUARY 23, 1989.

NINE. ATTORNEY MR. GIDDENS HAD ALL VITAL DOCUMENTED EVIDENCE, WOULD NOT FILE IN COURT FOR JURY.

TEN. JUROR VERDICT WAS AGAINST GREATER WEIGHT AND PREPONDERANCE OF EVIDENCE.

ELEVEN. COST BOND WAS TIMELY FILED.



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TABLE OF AUTHORITIES

1. RULE 228 SEC 10 NOTE 2 CITY OF
OF HAWKINS V. E. B. GERMANY AND SONS CIV
APP 1968 425 S.W. 2d 23 REF N.R.E..
2. WOOLAM V. CENTRAL POWER AND LIGHT CO.
CIV APP 1948 S.W.2d 792.
3. RULE 228 SEC 10 NOTE 6 SWARTOUT V.
HOLT CIV APP 1955, 272 S.W. 2d REF N.R.E.
4. RULE 59 N 70 BEANLAND V. CHICAGO R.I.
AND P.R. CO. | 1972 W D MO | 345 F SUPP
277.
5. RULE 61 N 63 PAGE 177 SEARS V. SOUTH-
ERN PACIFIC CO. | 1963 CA 9 CAL 313 F 2d
SERV 2d 926.
6. RULE 61 N 43 PAGE 172 HUTLER NORTHERN
TRUST V. DOOR COUNTY CHAMBER OF COMMERCE
| 1972 CA 7 I 11 | 467 F 2d 1075.
7. RULE 61 N 91 ROY V. EMPLOYERS MUT CAS-
UALTY CO. | 1966 CA 5 LA | F 2d 902.
8. CORBERT V. BORANDI | 1967 CA 3 PA 375



F 2d 265 RULE 61 N 25 | O'REAR
V. FRUEHAUF CORP. | 1977 CA 5 TEX | 554
F 2d 1304.

9. RULE 59 N 70 BEANLAND V. CHICAGO R.I.
AND P.R. CO. | 1972 WDMO | 345 F SUPP
227.

10. RULE 59 N 68 MYRES V. GEORGE | 1959
CA 8 IOWA | 271 F 2d 168, 83 ALR 2d 1121.

11. RULE 59 N 63 BROWN V. ROYALTY | 1976
CA 8 MO | 535 F 2d 1024.

12. COURT REPORTER TOLD PETITIONER THAT
THIS PART OF TRIAL WAS NOT TAKEN DOWN.

13. RULE 29 NOTE 39 PART 2 SUGERLAND
INDUSTRIES INC. V. FALCO CIV APP 1963
360 S.W. 2d 806 REF N.R.E.

14. SAM KANE INC. V. MATHISEN CIV APP
1974 504 S.W. 2d REF N.R.E.

15. RULE 360 PAGE 117 NO. 4 AND NO. 5 .

16. RULE 356 NO. 6 ESTES V. CARLTON APP
2 DIST 1986 708 S.W. 2d 594 REF N.R.E.

17. RULE 356 NO. 9 ZEPHYR V. ZEPHYR | APP



14th DIST 1984 J 683 S.W. 2d 18, REF

N.R.E.

18. RULE 4 232 RULES APPELLATE PROCEDURE
WITHDRAWEL OF ATTORNEY. CIVIL RIGHTS ACT
OF 1964 SECTION 2000 E ET SEQ OF TITLE 42
GRIFFIN V GEORGE B. BUCK CONSULTING ACT-
UARIES INC. D C N Y 1983 573 F. SUPP
1134.



OPINIONS BELOW

THE OPINION OF THE COURT OF APPEALS FOR THE FOURTEENTH CIRCUIT IS REPORTED BELOW AND PRINTED IN APPENDIX.

1. IN THE 133RD DISTRICT COURT, HARRIS COUNTY, TEXAS, CAUSE NO. 83-34162, CIVIL TRIAL. JUDGMENT WAS SIGNED JANUARY 26, 1989.

2. IN THE 133RD DISTRICT COURT, HARRIS COUNTY, TEXAS, CASE NO. 83-34162, FILED MOTION FOR NEW TRIAL ON FEBRUARY 23, 1989. MOTION FOR NEW TRIAL OVERRULED BY OPERATION OF LAW ON MAY 1, 1989, AT 11:00 A.M..

3. FILED COST BOND FOR APPEAL ON MAY 9, 1989. COST BOND NO. 233-1177.

4. FILED IN THE FOURTEENTH COURT OF APPEALS NO. 14-89-00465-C V. TIME FOR FILING COST BOND. [OVERRULED JUNE 8, 1989]. OPINION; COST BOND NOT TIMELY

FILED.

5. FILED IN THE FOURTEENTH COURT OF APPEALS. EXTEND TIME FOR FILING RECORDS CZSE NO. 14-89-00465-C V, TRIAL CASE NO. 83-34162, JUNE 8, 1989, OVERRULED.

6. IN THE FOURTEENTH COURT OF APPEALS FILED MOTION FOR APPELLANTS MOTION FOR APEAL MERIT, NO. 14-89-00465-C V, TRIAL COURT NO.83-34162, FILED MAY 30,1989, JUNE 8, 1989, OVERRULED.

7. IN THE FOURTEENTH COURT OF APPEALS FILED MOTION FOR ORAL HEARING AND FOR REHEARING. FILED JUNE 22, 1989, NO. 14-89-00465- CV, TRIAL NO. 83-34162. ORAL HEARING, OVERRULED ON JULY 13, 1989. RE-HEARING OVERRULED ON JULY 13, 1989.

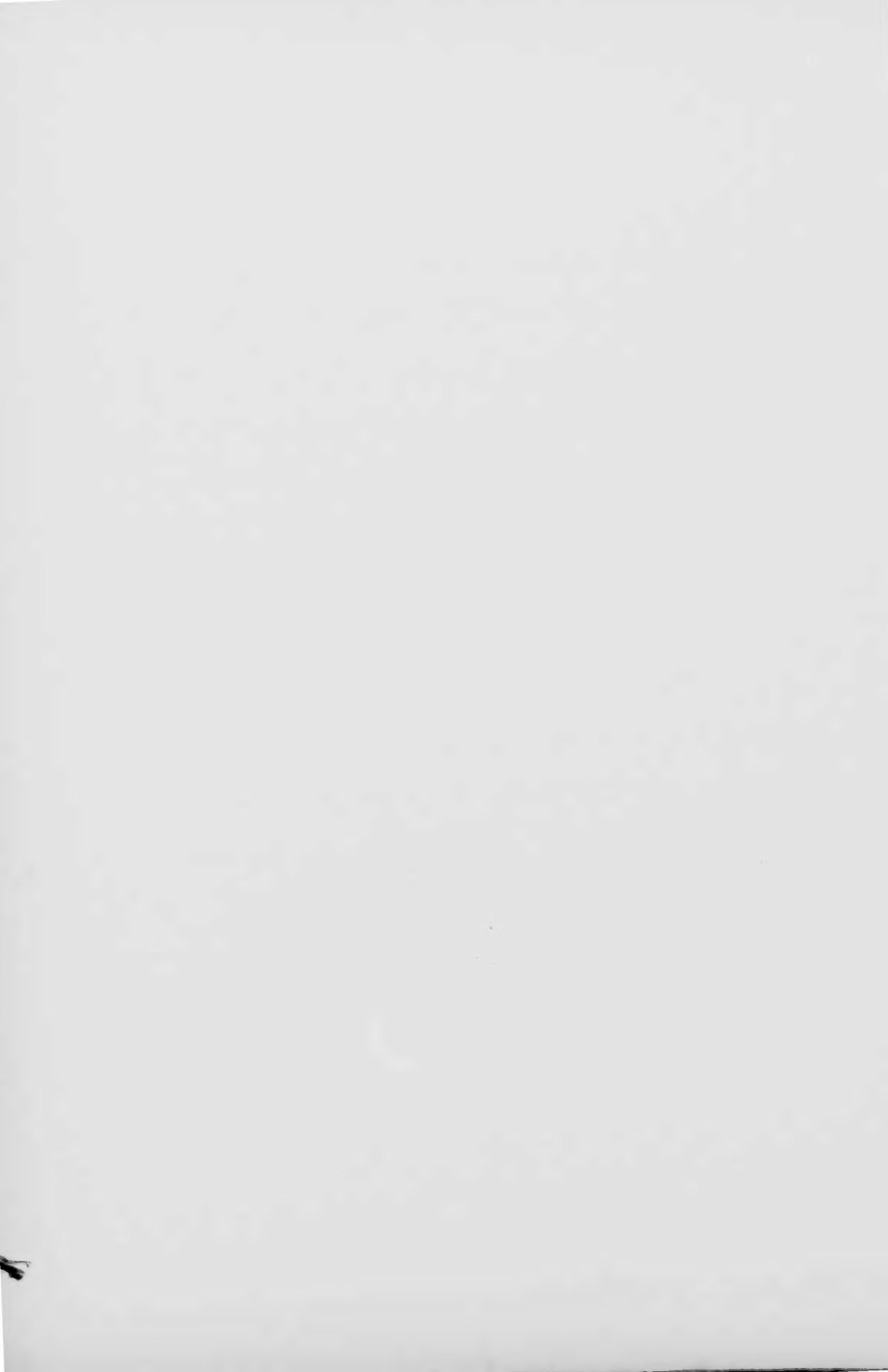
8. IN THE SUPREME COURT OF TEXAS FILED MOTION FOR EXTENSION OF TIME FOR FILING WRIT OF ERROR, CASE NO. C-8946 WAS GRANTED ON AUGUST 11, 1989.

9. IN THE SUPREME COURT OF TEXAS FILED

PETITIONERS, APPLICATION FOR WRIT OF ERROR. FILED AUGUST 31, 1989, NO. 8946 WAS, OVERRULED.

10. IN THE SUPREME COURT OF TEXAS FILED FOR REHEARING CASE NO.C-8946 FILED NOVEMBER 9, 1989, OVERRULED PETITIONERS MOTION FOR REHEARING ON NOVEMBER 29, 1989.

11. IN THE SUPREME COURT OF THE UNITED STATES, MOTION TO EXTEND TIME FOR FILING APPLICATION FOR WRIT OF CERTIORARI ON FEBRUARY 21, 1990. GRANTED MARCH 5, 1990. TIME TO FILE EXTENDED TO AND INCLUDES APRIL 13, 1990.



JURISTITION

28 * 1292 STEELE V WIEDEMANN MACH. CO.
D.C. PA 1959 178 F SUPP 870 REMANDED ON
OTHER GROUNDS 280 F 2d 380.

STATUTES INVOLVED

1. 28 U S C * 1291 FINAL DECISIONS OF
DISTRICT COURTS.
2. CIVIL RIGHTS ACT OF 1964 SECTION 2000
E ET SEQ OF TITLE 42 GRIFFIN V GEORGE
B. BUCK CONSULTING ACTUARIES INC. D.C.
N.Y. 1983 573 F SUPP 1134.

STATEMENT OF CASE

PETITIONER, GENE FOREMAN, ON OCTOBER 27, 1982 HAD A 240 VOLT FLECTRICAL SHOCK THROUGH BOTH ARMS INTO CHEST. WAS TAKEN TO FAMILY DOCTOR, DOCTOR SACK.

PETITIONER, HAS NOT BEEN ABLE TO WORK SINCE OCTOBER 27, 1982. PETITIONER, HAS BEEN IN HOSPITAL AT LEAST 14 TIMES EACH TIME DIFFERENT DAYS AND WEEKS. PETITIONER TOLD MR. GIDDENS OF BIAS AND PREJUDICE JUROR NO. 5, MR. GIDDENS, WOULD NOT TELL JUDGE OR RESPONDENTS ATTORNEY MR. HENNESSEY.

VITAL PART OF DOCTOR SACKS DEPOSITION WAS NOT ADMITTED BUT WAS USED BY RESPONDENTS ATTORNEY MR. HENNESSEY, FOR AETNA CASUALTY AND SURETY INSURANCE COMPANY TO CONFUSE AND INFLUENCE THEIR DECISION.

PETITIONER, WANTED DOCTOR NASSAR TO TESTIFY IN PERSON. MR. GIDDENS WOULD NOT LET

DOCTOR NASSAR COME TO COURT, THIS HURT CASE.

THE STATEMENT OF FACTS OF CLOSING ARGUMENTS TO JURY AND CHARGES TO JURY BY JUDGE IS NOT AVAILABLE TO PETITIONER FOR EVIDENCE IN THIS APPEAL. ALL THE PERTINENT DOCUMENTED EVIDENCE PERTAINING TO THIS UNSUAL CASE AND ACCIDENT. ATTORNEY MR. GIDDENS WOULD NOT PRESENT TO COURT SO JURY COULD FAIRLY EVALUATE AND MAKE A JUST DECISION, EVEN SO VERDICT OF JURY WAS AGAINEST GREATER WEIGHT AND PREPOND-ERANCE OF EVIDENCE.

PETITIONER, FILED MOTION FOR NEW TRIAL ON FEBRUARY 23, 1989, CASE WAS NOT HEARD TILL MAY 1, 1989, [NOT IN TIME SET BY RULE 329 B PAGE 414 PART 2]. COST BOND STATED STYLED CASE NO., BOTH PARTIES, 133 RD DISTRICT COURT TO THE 14TH COURT OF CIVIL APPEALS.

REASON FOR GRANTING THE WRIT

PETITIONER, ASK THIS COURT TO REVIEW THIS CASE UNDER COMMON LAW FOR AS TO ALL THE APPEALS, MOTIONS, EXTENSIONS AND REHEARING APPEALS AND ALL THE EVIDENCE DOCUMENTED BY THE UNITED STATES, DOCTORS, AND MEDICAL JOURNALS THAT THIS RARE ACCIDENT OF ELECTRICAL SHOCK TO HEART THROUGH BOTH ARMS INTO CHEST DID OCCUR.

AFTER SEVEN AND ONE HALF YEARS THE LOWER COURTS IN TEXAS COULD HAVE REVIEWED THIS CASE IN AND ORAL HEARING, AND THIS PERTINENT JUDICIAL CASE TO THE PUBLIC AND TO THIS PETITIONER, ASK ONLY TO LET CASE HAVE AN ORAL HEARING SO PETITIONER CAN PRODUCE ALL EVIDENCE WITH OUT BIAS OR PREJUDICE TO EITHER PARTY. THIS IS THE LAST RESORT TO GET ALL FACTS AND EVIDENCE



CLEARLY DOCUMENTED AND REVIEWED.

PRAYER FOR RELIEF

PETITIONER, GENE FOREMAN, PRAYS FOR
RELIEF AND GRANTING OF THIS WRIT OF
CERTIORARI FROM THE SUPREME COURT OF THE
UNITED STATES.



APPENDIX

1. IN THE 133RD DISTRICT COURT, HARRIS COUNTY, TEXAS. CASE NO. 83-34162, CIVIL TRIAL. { JUDGMENT SIGNED JANUARY 26, 1989 }.

2. IN THE 133RD DISTRICT COURT HARRIS COUNTY, TEXAS, CASE NO. 83-34162, FILED MOTION FOR NEW TRIAL ON FEBRUARY 23, 1989 MOTION FOR NEW TRIAL OVERRULED BY OPERATION OF LAW ON MAY 1, 1989 AT 11:00 A.M..

3. FILED COST BOND FOR APPEAL WITH RAY HARDY DISTRICT CLERK, HARRIS COUNTY, TEXAS ON MAY 9, 1989 FILED COST BOND NO. 233-1177. COST BOND SHOWED STYLE AND CASE NO. AND PARTIES IN THE SUIT, AND THE COURT 133RD COURT TO THE APPEAL COURT.

4. ON MAY 22, 1989, FILED WRITTEN MOTION TO EXTEND TIME TO FILE COST BOND.

1

THIS WAS A PRECAUTION.

FOURTEENTH COURT OF APPEALS, JUNE 8, 1989
 RE: CASE NO. 14-89-00465-CV, TRIAL CASE
 NO. 83-34162. STYLED: FOREMAN, GENE A. V:
 AETNA CASUALTY & SURETY CO. COUNSEL:
 PLEASE BE ADVISED THAT ON THIS DATE, THE
 COURT OVERRULED APPELLANT'S MOTION TO
 EXTEND TIME TO FILE APPEAL BOND IN THE
 ABOVE CAUSE.

5. ON MAY 22, 1989, FILED WRITTEN MOT-
 ION TO EXTEND TIME FOR FILING STATEMENT
 OF FACTS.

FOURTEENTH COURT OF APPEALS: JUNE 8, 1989
 RE: NO. 14-89-00465-CV, TRIAL CASE NO.
 83-34162, STYLED: GENE A. FOREMAN, V:
 AETNA CASUALTY & SURETY CO.. COUNSEL:
 PLEASE BE ADVISED THAT ON THIS DATE, THE
 COURT OVERRULED APPELLANT'S{S} MOTION TO
 EXTEND TIME TO FILE RECORD IN ABOVE
 CAUSE.

6. ON MAY 23, 1989 FOURTEENTH COURT OF



APPEALS RE: C 14-89-00465-CV, GENE A. FOREMAN, V: AETNA CASUALTY & SURETY CO. { 133RD DISTRICT COURT, HARRIS COUNTY, CAUSE NO. 83-34162 } COUNSEL: ON JUNE 2, 1989, THE COURT WILL CONSIDER DISMISSAL OF THE APPEAL ON ITS OWN MOTION FOR WANT OF JURISDICTION. THE APPEAL WILL BE DISMISSED UNLESS ANY PARTY FILES A RESPONSE BEFORE JUNE 2, 1989, SHOWING MERTORIOUS GROUNDS FOR CONTINUING THE APPEAL.

7. ON MAY 30, 1989, APPELLANT'S FILED MOTION FOR APPEAL MERIT. FOURTEENTH COURT OF APPEALS, JUNE 8, 1989.

RE: CASE NO. 14-89-00465-CV, TRIAL COURT CASE NO. 83-34162. STYLED: FOREMAN, GENE A. V: AETNA CASUALTY & SURETY CO.

COUNSEL: PLEASE BE ADVISED THAT ON THIS DATE, THE COURT OVERRULED APPELANT'S MOTION TO RETAIN APPEAL, IN THE ABOVE CAUSE.

FOURTEENTH COURT OF APPEALS, JUNE 8, 1989.

RE: NO. 14-89-00465-CV, TRIAL COURT CASE
NO. 83-34162, STYLE: FOREMAN, GENE A. V:
AETNA CASUALTY & SURETY CO..

COUNSEL: PLEASE BE ADVISED THE COURT
TODAY, DISMISSED THE APPEAL IN THE ABOVE
CAUSE. A COPY OF THE COURT'S OPINION IS
ENCLOSED TO COUNSEL.

DISMISSED AND OPINION FILED JUNE 8,
1989. IN THE

FOURTEENTH COURT OF APPEALS, NO. C14-89-
00465-CV, GENE A. FOREMAN, APPELANT V:
AETNA CASUALTY & SURETY CO., APPELLEE
ON APPEAL FROM THE 133RD DISTRICT COURT
HARRIS COUNTY, TEXAS, TRIAL COURT CASE
NO. 83-34162.

OPINION: THIS IS AN APPEAL FROM A TAKE
NOTHING JUDGMENT IN FAVOR OF THE APPLLEE
THE JUDGMENT WAS SIGNED JANUARY 26, 1989,
AND A MOTION FOR NEW TRIAL WAS TIMELY
FILED. THE TIME FOR FILING THE COST BOND
EXPIRED ON APRIL 23, 1989. TEX.R.APP.41
{a}{1}. THE BOND WAS FILED ON MAY 9,

1989. ANY MOTION TO EXTEND TIME TO FILE THE COST BOND SHOULD HAVE BEEN FILED IN THIS COURT NO LATER THAN MAY 11,1989.

TRX.R.APP.41{a}{2}. THE MOTION TO EXTEND TIME TO FILE THE COST BOND WAS FILED MAY 22,1989. ON JUNE 8,1989 THE COURT DENIED APPELLANT'S UNTIMELY FILED MOTION FOR EXTENSION OF TIME TO FILE THE COST BOND TEX.R.APP.P.41{a}{2}; GRAJEDA V. CHARM HOMES INC.,614 S.W.2d176{TEX CIV APP.- EL PASO 1981,NO WRIT}. ON MAY 23,1989, NOTIFICATION WAS TRANSMITTED TO ALL PARTIES OF THE COURT'S INTENT TO DISMISS THE APPEAL FOR WANT OF JURISDICTION. TEX. R.APP.P.41{a}< 46,60{a}{2}. APPELLANT'S RESPONSE ADVANCES NO ARGUMENT TO SUPPORT A FINDING OF JURISDICTION. ACCORDINGLY, THE APPEAL IS ORDERED DISMISSED. PER CURIAM JUDGMENT RENDERED AND OPINION FILED JUNE 8, 1989.JUDGMENT THE FOURTEENTH COURT OF APPEALS GENE A.



FOREMAN, APPELLANT - NO.C14-89-00465-CV
V: AETNA CASUALTY & SURETY CO., APPELLEE
ON THIS DAY CAME ON TO BE HEARD THE
COURT'S OWN MOTION TO DISMISS THE APPEAL
FROM THE JUDGMENT SIGNED AND ENTERED BY
THE COURT BELOW ON JANUARY 26,1989. IT IS
ORDERED AND ADJUDGED THAT THE APPEAL BE
AND IS DISMISSED. IT IS FURTHER ORDERED
THAT ALL COSTS INCURED BY REASON OF THIS
APPEAL BE PAID, JOINTLY AND SEVERALLY, BY
THE APPELLANT, GENE A. FOREMAN, AND HIS
SURETY, UNIVERSAL SURETY OF AMERICA. IT
IS FURTHER ORDERED THAT THIS DECISION BE
CERTIFIED BELOW FOR OBSERVANCE.

8. ON JUNE 22,1989,FILED APPELLANT'S
MOTION FOR REHEARING -- ORAL.
FOURTEENTH COURT OF APPEALS, JULY 13,
1989, RE: CASE NO. 14-89-00465-CV, TRIAL
COURT CASE NO.83-34162, STYLE:FOREMAN,
GENE A. V: AETNA CASUALTY & SURETY CO.,
COUNSEL: PLEASE BE ADVISED THAT ON THIS
DATE THE COURT OVERRULED APPELLANT'S MOT-
ION FOR LEAVE FOR ORAL ARGUMENT IN THE

IN THE ABOVE CAPTIONED CAUSE.

FOURTEENTH COURT OF APPEALS, JULY 13, 1989

RE: CASE NO. 14-89-00465-CV, TRIAL COURT

CASE NO. 83-34162. STYLED: FOREMAN, GENE

A., V: AETNA CASUALTY & SURETY CO.

COUNSEL: PLEASE BE ADVISED THAT ON THIS

DATE, THE COURT OVERRULED APPELLANT'S(S)

MOTION FOR REHEARING IN THE ABOVE CAUSE.

FURTHER, APPLICATION FOR WRIT OF ERROR

IF ANY, MUST BE SUBMITTED ON OR BEFORE

MONDAY, AUGUST 9, 1989.

9. ON AUGUST 9, 1989, FILED WRITTEN

MOTION TO EXTEND TIME FOR FILING APPLICA-

TION FOR WRIT OF ERROR IN SUPREME COURT

OF TEXAS. SUPREME COURT OF TEXAS, AUGUST

11, 1989, RE: CASE NO. C-8946, STYLE: GENE

A. FOREMAN, PETITIONER, V: AETNA CASUALTY &

SURETY CO., RESPONDENT. DEAR COUNSEL:

MOTION FOR EXTENSION OF TIME TO FILE APP-

LICATION FOR WRIT OF ERROR UNDER RULE 130

{d}, T.R.A.P., WAS THIS DAY GRANTED. THE

APPLICATION FOR WRIT OF ERROR IS DUE TO BE FILED IN THE COURT OF APPEALS ON OR BEFORE AUGUST 31,1989.

10. ON AUGUST 31,1989,FILED PETITION'S APPLICATION FOR WRIT OF ERROR IN THE FOURTEENTH COURT OF APPEALS TO THE TEXAS SUPREME COURT. SUPREME COURT OF TEXAS, OCTOBER 25,1989,. RE: CASE NO. C-8946 STYLE: GENE A. FOREMAN, V: AETNA CASUALTY & SURETY CO. COUNSEL: TODAY,THE SUPREME COURT OF TEXAS DENIED THE ABOVE REFERENCED APPLICATION FOR WRIT OF ERROR WITH THE NOTATION, WRIT DENIED.

11. ON NOVEMBER 8,1989, FILED PETITIONER'S APPLICATION FOR REFILING WRIT OF ERROR. SUPREME COURT OF TEXAS, NOVEMBER 29,1989. RE: NO. C-8946, STYLE: GENE A. FOREMAN, V: AETNA CASUALTY & SURETY CO. COUNSEL: TODAY, THE SUPREME COURT OF TEXAS,OVERRULED PETITIONER'S MOTION FOR REHEARING OF APPLICATION FOR WRIT OF

ERROR IN THE ABOVE STYLED CASE.

12. ON FEBRUARY 21, 1990, FILED MOTION TO EXTEND TIME FOR FILING APPLICATION FOR WRIT OF CERTIORARI IN THE SUPREME COURT OF THE UNITED STATES. SUPREME COURT OF THE UNITED STATES, MARCH 5, 1990.

RE: GENE A. FOREMAN V: AETNA CASUALTY & SURETY COMPANY, APPLICATION NO. A- 613
MR. FOREMAN: THE APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI IN THE ABOVE- ENTITLED CASE HAS BEEN PRESENTED TO JUSTICE WHITE, WHO ON MARCH 5, 1990, SIGNED AND ORDER EXTENDING THE TIME TO AND INCLUDING APRIL 13, 1990.

SUPREME COURT OF THE UNITED STATES NO. A- 613: GENE A. FOREMAN, PETITIONER, V: AETNA CASUALTY & SURETY COMPANY.

ORDER

UPON CONSIDERATION OF THE APPLICATION OF

COUNSEL FOR PETITIONER, IT IS ORDERED
THAT THE TIME FOR FILING A PETITION FOR A
WRIT OF CERTIORARI IN THE ABOVE-ENTATLED
CASE, BE AND THE SAME IS HEREBY, EXTENDED
TO AND INCULING APRIL 13, 1990. DATED THIS
5TH DAY OF MARCH 1990.